



September 22, 2011

Via Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Notice of Oral *Ex Parte* Communications, WC Docket Nos. 10-90, 07-135, 05-337, 03-109; GN Docket Nos. 09-51; CC Docket Nos. 01-92, 96-45

Dear Ms. Dortch:

On September 20, 2011, Benjamin Lennett, Policy Director at New America Foundation's Open Technology Initiative, Sarah Morris, Policy Analyst at New America Foundation's Open Technology Initiative, and Haritha Dasari, legal intern at New America Foundation's Open Technology Initiative ("NAF"), met with Margaret McCarthy, Wireline Policy Advisor to Federal Communications Commissioner Copps. This notice is submitted in compliance with Section 1.1206(b) of the Commission's Rules.

NAF expressed opposition to the industry's proposed ABC Plan, echoing concerns raised in the filings of Free Press and the National Association of State Utility Consumer Advocates ("NASUCA"). Specifically, NAF expressed strong concern with provisions that would raise the permissible rates charged through the Subscriber Line Charge ("SLC"), grant a Right of First Refusal ("ROFR") to incumbent providers, as well as the demands by carriers to remove Carrier of Last Resort ("COLR") obligations as well as other public interest obligations imposed on Eligible Telecommunications Carriers ("ETCs"). NAF noted that the proposed changes to the SLC appeared arbitrary and unfair, and that a system of transparency is necessary to ensure that there are checks and accountability in place to require carriers to adequately justify where SLC changes are actually required. With regard to the ROFR provision, NAF posited that a competitive, local process could mitigate the need for a ROFR, as carriers with substantial investment in a given area would be well-suited to secure winning bids, and such a process could allow other carriers who are also suited to provision to an area the opportunity to at least compete.

Additionally, NAF called for the inclusion of explicit interconnection obligations on carriers receiving support under the Connect America Fund ("CAF"), pointing to rural carriers such as Windstream who are current recipients of multiple Broadband Initiative Program ("BIP") grants and therefore subject to interconnection obligations as a condition of receipt of those funds. NAF believes that this obligation, already broadly

imposed as a funding condition within the BTOP and BIP programs, is critical in ensuring that competition is not foreclosed in high-cost areas where the Commission understandably will likely only issue funds to one provider. Noting the high number of applications received under BTOP and BIP, NAF cautioned against assuming that this modest obligation would deter significant numbers of providers from applying for CAF funds.

NAF also expressed support for Public Knowledge and Benton Foundation's proposed TOP-style pilot program to promote broadband buildout through local self-provisioning to the highest-cost areas that would otherwise remain unserved even with USF support. NAF asked that such a program be supported with adequate funding levels and pointed to support for other pilot programs such as the Rural Health Care Pilot Program as a guide for appropriate funding levels. NAF also highlighted the Southern California Tribal Digital Village as an example of a project that is currently providing high-speed wireless Internet to local tribal communities and doing so with relatively modest amounts of funding. In addition, NAF cautioned that satellite service is an inadequate solution for these areas, given its expense, extremely low bandwidth caps (which are a function of satellite's capacity issues), and latency problems. Further, NAF noted that satellite does not offer the same community benefits that local networks can provide, such as enhanced adoption and digital literacy.

Finally, NAF highlighted some broad concerns with regard to the Lifeline and Link Up docket, reiterating its request for broader eligibility requirements that would allow Community Networks to be eligible for Lifeline support. NAF mentioned the classification of Interconnected VoIP as a Title II service as one step toward broader inclusion, and could permit a carrier who is providing an Interconnected VoIP to fall within the statutory parameters of Eligible Telecommunications Carriers. NAF also highlighted their proposal for a Lifeline broadband pilot program, which included detailed metrics for evaluating factors and interventions that may influence broadband adoption rates in low-income communities.

Pursuant to the Commission's rules, this notice is being filed in the above-referenced dockets for inclusion in the public record.

Respectfully submitted,

/s/ Sarah J. Morris

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